IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 21ST JULY 2006 / 30TH ASHADHA,1928

Bail Appl..No. 4383 of 2006

CP.73/2006 of J.M.F.C.,SULTHANBATHERY
(CRIME NO.55/2005 OF SULTHAN BATHERY EXCISE RANGE)

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PETITIONER/ACCUSED

SASI, S/O.KARIMBAN, NELLIVAYAL PANIYA COLONY, PUTHEN KUNNU, NENMENI VILLAGE, SULTHAN BATHERY.

BY ADV. SRI.RAFFEEKH.K

RESPONDENTS:
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1. THE EXCIS INSPECTOR, SULTHAN BATHERY, EXCISE RANGE, SULTHAN BATHERY, WAYANAD DISTRICT.

2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4383/2006

DATED THIS THE 21ST DAY OF JULY, 2006

O R D E R

The petitioner was found in illegal possession of three liters of illicit arrack, on 22.8.2005, by the Inspector of Excise Range, Sulthan Bathery, who subsequently registered C.R.No.55/2005, under Section 8(1) and 8(2) of the Abkari Act. The petitioner could not be arrested at the time of the seizure. He surrendered before the Judicial Magistrate of First Class-I, Sulthan Bathery, on 7.7.2006. The investigation is complete and the matter is now pending as C.P.No.73/2006 before the Court below. He remains in judicial custody. Hence this application, under Section 439 Cr.P.C.

2. The learned Public Prosecutor submitted that no other case is registered against the petitioner. The police had not so far moved for the custody of the petitioner, after his surrender. In such circumstances, I grant bail and release the petitioner from jail, subject to

the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Sulthan Bathery.

(b). The petitioner shall report before the investigation officer, once in a week, on every Friday, between 10.00 a.m and 11.00 a.m., for a period two months, starting from 28.7.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs